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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 MELVIN JOSEPH SIMMONS,

12 Petitioner,

13 v.

14 KATHLEEN ALLISON, ET. AL.,

15 Respondents.  
16  
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Case No. 1:22-cv-01031-HBK (HC)

ORDER TRANSFERRING CASE TO THE  
CENTRAL DISTRICT OF CALIFORNIA

(Doc. No. 1)

18 Petitioner is proceeding on his petition for writ of habeas corpus filed pursuant to 28  
19 U.S.C. § 2254. (Doc. No. 1). To the extent discernable, Petitioner challenges his state sentence  
20 and conviction entered by the Superior Court of Los Angeles County in case number A917709.  
21 (*Id.* at 4). Los Angeles County is located within the jurisdiction and venue of the Western  
22 Division of the United States District Court for the Central District of California.

23 Under 28 U.S.C. § 2241(d), jurisdiction is proper in the judicial district where the  
24 petitioner was convicted or where the petitioner is incarcerated. *See* 28 U.S.C. § 2241(d);  
25 *Rumsfeld v. Padilla*, 542 U.S. 426, 428 (2004). However, “[f]or the convenience of parties and  
26 witnesses, in the interest of justice, a district court may transfer any civil action to any other  
27 district or division where it might have been brought.” 28 U.S.C. § 1404(a). Federal courts in  
28 California generally hear petitions for writ of habeas corpus in the district of conviction. *Favor v.*

1 *California*, No. 116-CV-01912-DAD-EPG-HC, 2017 WL 2671006, at \*1 (E.D. Cal. June 21,  
2 2017) (*citing Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968)).

3 Thus, the court finds in its discretion “and in furtherance of justice” the petition should be  
4 transferred to the Central District of California. 28 U.S.C. §§ 1404(a), 2241(d). Further, the  
5 Court declines to rule on Petitioner’s pending motion for a temporary restraining order. (Doc.  
6 No. 2).

7 **Accordingly:**

- 8 1. The Clerk shall transfer this action to the United States District Court for the Central  
9 District of California, Western Division; and  
10 2. All future filings shall reference the new case number assigned and shall be filed at:

11  
12 United States District Court  
13 Central District of California  
14 Western Division  
15 255 East Temple Street  
16 Los Angeles, CA 90012-3332

17 Dated: September 26, 2022

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HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE